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International Convention for the Protection of All Persons from Enforced Disappearance

Report of the Secretary-General

Summary

In its resolution 70/160, the General Assembly requested the Secretary-General to submit, at its seventy-first session, a report on the status of the International Convention for the Protection of All Persons from Enforced Disappearance and the implementation of the resolution. The present report is submitted in accordance with that request.

In a note verbale dated 5 April 2016, the Secretary-General invited Governments to transmit any information pertaining to the implementation of resolution 70/160. Replies have been received from the Governments of Albania, Bosnia and Herzegovina, Colombia, Cuba, Denmark, El Salvador, Greece, Guatemala, Honduras, Romania, Serbia and Uzbekistan. Their responses are summarized in the present report.

The present report also includes information on the activities carried out in relation to the implementation of the resolution by the Secretary-General, the United Nations High Commissioner for Human Rights and his Office, the Committee on Enforced Disappearances, the Working Group on Enforced or Involuntary Disappearances and intergovernmental and non-governmental organizations.

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I. Introduction

1. In its resolution 70/160, on the International Convention for the Protection of All Persons from Enforced Disappearance, the General Assembly requested the Secretary-General to submit, at its seventy-first session, a report on the status of the Convention and the implementation of the resolution. The present report is submitted in accordance with that request.

2. On 6 April 2016, the Secretary-General invited Member States to transmit relevant information pertaining to the implementation of the resolution. As at 18 July 2016, replies had been received from the Governments of Albania, Bosnia and Herzegovina, Colombia, Cuba, Denmark, El Salvador, Greece, Guatemala, Honduras, Romania, Serbia and Uzbekistan. The Secretary-General also sent requests for information on the implementation of the resolution to specialized agencies, United Nations funds and programmes and civil society organizations. The Secretary-General received submissions from Amnesty International, the International Coalition against Enforced Disappearances, REDRESS and TRIAL International. Their responses are summarized in the present report.

II. Status of ratification of the International Convention for the Protection of All Persons from Enforced Disappearance

3. As at 18 July 2016, 95 States had signed and 52 had ratified or acceded to the Convention; 19 States had recognized the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the State party of provisions of the Convention (article 31); and 21 States had recognized the competence of the Committee to receive and consider communications in which a State party claimed that another State party was not fulfilling its obligations under the Convention (article 32). Updated information on the status of ratification of the Convention may be found in the annex to the present report.

III. Replies received from States

4. Summaries of the replies of States relating to the implementation of resolution 70/160 are provided below.

Albania

5. Albania ratified the Convention by Law No. 9802 of 13 September 2007 and recognized the competence of the Committee on Enforced Disappearances under articles 31 and 32 of the Convention. In accordance with article 29 of the Convention, Albania has submitted to the Committee its report on the measures taken to implement the obligations laid down by the Convention.

6. Albania is committed to the continuous improvement of standards for the protection and observance of human rights and fundamental freedoms. In Albania, international law prevails over domestic law: article 122 of the Constitution stipulates that any international agreement ratified by the Parliament becomes part

of the domestic law and is directly applicable, except when it is non-self-executing and requires the promulgation of a law. Based on article 122, Albania considers that not all provisions of the Convention are self-executing.

7. Albania noted that no cases of enforced disappearance had been investigated or prosecuted on its territory since the entry into force of the Convention. However, enforced disappearances might have occurred during the communist regime, between 1944 and 1991, when, according to official data, 5,157 persons were convicted for political reasons and executed without a court decision. Albania is considering establishing a disappeared persons section within the Institute of Integration of Former Politically Persecuted Persons, which would aim to find persons disappeared during the communist regime. For that reason, Albania would like to seek the assistance of the Secretariat in evaluating the current national legislation vis-à-vis the provisions of the Convention and would like to receive the advice of the Secretariat on best practices in establishing a disappeared persons section.

Bosnia and Herzegovina

8. Bosnia and Herzegovina informed that the Convention had entered into force in the country on 29 April 2012 and that it had recognized the competence of the Committee under articles 31 and 32 of the Convention on 13 December 2012. In accordance with article 29 (1) of the Convention, Bosnia and Herzegovina submitted its report to the Committee in 2014 and is in the process of drafting the reply to the list of issues adopted by the Committee. Bosnia and Herzegovina did not request the assistance of the Secretary-General and the High Commissioner for Human Rights in becoming a State party to the Convention. The International Committee of the Red Cross (ICRC) provided assistance to Bosnia and Herzegovina in the preparation of the reply to the list of issues adopted by the Committee.

Colombia

9. Colombia approved the ratification of the Convention through Law No. 1418 of 1 December 2010; following the verification of the constitutionality of the law, the Constitutional Court declared it executable in June 2011 through Judgment No. C-620. The Convention was ratified on 11 July 2012 and entered into force on 10 August 2012.

10. Before the ratification of the Convention, article 12 of the Political Constitution of 1991 already determined that: "nobody shall be submitted to enforced disappearances, torture or cruel, inhuman or degrading treatments". Colombia ratified the Convention without making any reservation or declaration. It did not accept the competence of the Committee under articles 31 and 32. The commitment of the United Nations system to the fight against enforced disappearance has been invaluable in Colombia. The United Nations Development Programme provided technical assistance to support the process of search, identification and documentation of cases and assist in the dignified recovery of remains of disappeared persons. The International Commission on Missing Persons assisted in the handling of genetic information to identify persons. The International Committee of the Red Cross assisted in the elaboration of tools for judges, legislators, civil servants, human rights defenders and families of victims to create

and manage a genetic bank within the framework of Human Rights Council resolutions 10/26 and 15/5.

11. The Search Commission for Disappeared Persons in Colombia, an institutional mechanism created to support and promote the investigation of enforced disappearances, established channels of communication with the families of the victims and with organizations such as the Association of Relatives of Disappeared Detainees for their participation and follow-up in the process of the identification of and search for disappeared persons.

Cuba

12. Cuba actively participated in the negotiations that led to the adoption of the Convention and was among the first countries to sign, on 6 February 2007. It has been a State party to the Convention since 2 February 2009. It continually evaluates the possibility of accepting the procedures in articles 31 and 32 of the Convention, which Cuba observes are optional. Cuba has not requested or received any assistance from the Secretary-General, the High Commissioner for Human Rights or any organ of the United Nations, any intergovernmental or non-governmental organization or the Working Group on Enforced or Involuntary Disappearances in relation to enforced disappearances or any aspect of the application of the Convention given that such assistance has not been necessary since the revolution of 1959. Through its internal and external policies, Cuba indicates in its response that it puts into practice respect for the physical and moral integrity of the individual, which allows it to ensure that there have been no cases of disappearances, torture or secret detention, with the exception of the illegally occupied naval base of the United States of America in Guantanamo. Cuba notes that its legal system establishes not only the basic universally recognized legal guarantees relating to human rights, but also offers concrete guarantees for the real and effective exercise of all human, civil and political, and economic, social and cultural rights. The report of Cuba to the Committee on Enforced Disappearances will be reviewed in March 2017.

Denmark

13. Denmark will ratify the Convention when the necessary amendments to Danish law, necessary to meet the obligations stemming from the Convention, have been adopted and the Danish Parliament has given its consent to the ratification. Denmark will also consider the possibility of recognizing the competence of the Committee on Enforced Disappearances, under articles 31 and 32 of the Convention, after having completed a legal study of the legal implications of doing so. Denmark has not requested or received assistance from the Secretary-General, the High Commissioner for Human Rights, United Nations agencies and organizations or the Working Group on Enforced or Involuntary Disappearances.

El Salvador

14. During the universal periodic review, El Salvador committed to fostering internal discussion on the ratification of the Convention, as well as the Inter-American Convention on Forced Disappearance of Persons. On 23 April 2013, the Executive branch forwarded the ratification proposal to the Legislative Assembly. The proposal, including the possible recognition of the Committee's

competence under articles 31 and 32 of the Convention, is being studied by the Commission on External Relations, Central American Integration and Salvadoreños Abroad. On 16 November 2015, representatives of the Commission participated in consultations on both Conventions organized with the technical assistance of the United Nations and the Organization of American States. In 2007, El Salvador received the visit of the Rapporteur of the Working Group on Enforced or Involuntary Disappearances and in 2014-2015, it reported on its follow-up to the observations received.

Greece

15. Greece signed the Convention on 1 October 2008 and ratified it on 9 July 2015 by Law No. 4268/2014. The same law adapted the national criminal legislation to the provisions of the Convention and introduced, in the Greek Penal Code, articles 322-A (enforced disappearance of a person), 322-B and 333-C. Greece has not yet recognized the competence of the Committee under articles 31 and 32 of the Convention.

Guatemala

16. Guatemala has not ratified the Convention but has been considering the possibility of doing so since 2007, when draft law No. 3736 was presented to the Congress. The proposed law No. 3736 is currently with the Commission on Human Rights of the Congress. Nevertheless, the State acknowledges the importance of eliminating enforced disappearances and notes that it has ratified the Rome Statute of the International Criminal Court, with technical assistance from the country office of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the Inter-American Convention on Forced Disappearance of Persons.

17. At the domestic level, Guatemala highlights the criminalization of enforced disappearances in its domestic law (article 201-ter of the Criminal Code), the elimination of the statute of limitations regarding such offence, the application of international law provisions in specific cases of enforced disappearances and the initiative to create a commission for the search of persons victims of enforced disappearances and other forms of disappearance.

18. Similarly, Guatemala reiterates its commitment to effectively investigating historic cases of enforced disappearances and to avoid intimidation of witnesses and human rights defenders who participate in such procedures.

19. Guatemala requested and received technical assistance from the Secretary-General and the High Commissioner for Human Rights on human rights-related matters. Guatemala received visits from the Working Group on Enforced or Involuntary Disappearances in 1987 and 2006.

Honduras

20. Honduras informed that through Legislative Decree No. 49-2012 of 17 April 2012, the Penal Code was reformed by introducing article 333-A, which explicitly defines the crime of enforced disappearance. The definition of enforced disappearance in article 333-A complies with article 2 of the Convention and includes the three constitutive elements of: (a) any other form of deprivation of

liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State; (b) the refusal to acknowledge the deprivation of liberty; and (c) the placement of the person outside the protection of the law. Article 333-A foresees reclusion of between 15 and 20 years and a fine of 25 to 50 salaries. The penalty is increased by one third if the perpetrator is a State agent. For police and military forces personnel, the penalty includes separation from service, as foreseen by the General Law regulating the National Police and the Law concerning members of military forces.

Romania

21. Romania signed the Convention on 3 December 2008. Romania reports that the new Criminal Code includes, in its article 439, enforced disappearance as a crime against humanity when perpetrated with the aim of placing a person outside the protection of the law for a long time, by abduction, arrest or detention, at the order of a State or a political organization or with the authorization, support or acquiescence of the State, followed by a refusal to admit that the person has been deprived of liberty or to provide real information about the fate or whereabouts of the disappeared person, thus placing the person outside the protection of the law. The applicable penalty is life imprisonment or imprisonment of between 15 to 25 years and the suspension of the exercise of certain rights.

Serbia

22. The Republic of Serbia signed the Convention in 2007 and ratified it in 2011. Serbia has recognized the competence of the Committee under articles 31 and 32 of the Convention. Serbia informed that it has not received any assistance in the signature and ratification process from the United Nations. Concerning the implementation of the Convention, Serbia is actively cooperating with relevant stakeholders, in particular: the Working Group on Enforced or Involuntary Disappearances visited the Republic of Serbia from 19 to 26 June 2014; ICRC, the International Commission on Missing Persons and the European Union Rule of Law Mission in Kosovo (EULEX) provide continuous assistance to the competent authorities to solve the issue of missing persons; on 16 December 2015, Serbia signed the Agreement on the Status and Functions of the International Commission on Missing Persons; and the Commission on Missing Persons of the Government of the Republic of Serbia maintains contact with families of missing persons and cooperates with families' associations.

Uzbekistan

23. Uzbekistan informed that it considers it premature to sign the Convention owing to the lack of the term "enforced disappearance" in the domestic law and of its recognition as an offence with the correspondent criminal liability. However, Uzbekistan notes that some of its domestic laws and regulations enshrine a number of important provisions aimed at the implementation of the General Assembly resolution on the Convention and criminalize and punish several acts, such as abduction (article 137 of the Criminal Code), unlawful deprivation of liberty (article 138), trafficking in persons (article 135), improper exercise of authority (article 206) and unlawful detention or remand in custody (article 234).

24. Additional reasons for not signing the Convention are that the State party must ensure that victims of enforced disappearance are provided with effective remedies; a Committee has been established to examine reports of States parties and receive individual complaints; the Convention requires the establishment of relations with the International Criminal Court but Uzbekistan has not ratified the Rome Statute; and the Convention attests to an emerging trend in international law of encroachment into an area that is traditionally within the jurisdiction of States and of restriction of their sovereignty in criminal matters.

25. Uzbekistan has neither requested nor received any assistance from the Secretary-General or the High Commissioner for Human Rights in preparation for accession to or ratification of the Convention. While it has not received technical assistance from any United Nations agencies or organizations to promote understanding and implementation of the Convention, Uzbekistan highlights that it is included in the law and human rights programmes of Tashkent State Law University and the Academy of the Ministry of Internal Affairs.

IV. Activities of the Secretary-General and the United Nations High Commissioner for Human Rights

26. In paragraph 5 of its resolution 70/160, the General Assembly requested the Secretary-General and the United Nations High Commissioner for Human Rights to increase their intensive efforts to assist States in becoming parties to the Convention, with a view to achieving universal adherence.

27. The International Convention for the Protection of All Persons from Enforced Disappearance has been highlighted at all treaty-related events organized by the United Nations in New York since 2007, to promote accession or ratification and implementation. The Convention is also part of the treaty event for 2016.

28. The Secretary-General delivered a message on 30 August 2015, on the occasion of International Day of the Victims of Enforced Disappearances. He noted that the prohibition of enforced disappearance is absolute and that the Convention provides a sound foundation for fighting impunity, protecting disappeared persons and their families and strengthening the guarantees provided by the rule of law, including investigation, justice and redress. The Secretary-General deplored the alarming number of acts by non-State actors, including armed extremist and terrorist groups, that are tantamount to enforced disappearances. He urged all Member States to ratify or accede to the Convention without delay and called upon the States parties to the Convention to fully implement it.[1]

29. In April 2016, the Secretary-General, in his report on South Sudan, noted that reports continued of the detention of civilians by the National Security Service and other government forces, including in Yambio and Malakal, in which some cases potentially rose to the level of enforced disappearances (see S/2016/341, para. 46).

30. OHCHR continues to pursue its efforts to combat enforced disappearances and to achieve universal ratification of the Convention under the thematic priorities of

[1] Ban Ki-moon, Secretary-General, "Amid growing use of enforced disappearances by non-State actors, Secretary-General urges prompt action in message on International Day Commemorating Victims", 28 August 2015, available from www.un.org/press/en/2015/sgsm17038.doc.htm.

"violence and insecurity" and "support for human rights mechanisms", as set out in the office management plan for 2014-2017. Efforts focus on supporting States' actions to ratify the Convention, providing training and capacity-building to States and civil society and raising awareness about the Convention.

31. The High Commissioner undertook a number of specific activities during the period from July 2015 to June 2016. In a series of statements, press releases and press briefings, the High Commissioner made reference to allegations of enforced disappearance in Burundi,[2] Iraq,[3] Mozambique,[4] South Sudan[5] and Ukraine.[6]

32. In September 2015, the High Commissioner recommended to Sri Lanka that it accede to the Convention, enact legislation to criminalize enforced disappearance without statutes of limitation and dispense with the current Presidential Commission on Missing Persons and transfer its cases to a credible and independent institution developed in consultation with families of the disappeared (see A/HRC/30/61, sect. VIII A., para. 91 (l), (m) and (r)). Sri Lanka ratified the Convention on 25 May 2016.

33. In October 2015, after his visit to Mexico,[7] the High Commissioner noted that while there was progress towards building a solid human rights framework in the country, there were at least 26,000 people still missing, many believed to be as a result of enforced disappearance, since 2007 and new cases of disappearance occurred every day. The High Commissioner singled out the enforced disappearance in Iguala, Guerrero State, of 43 students from the Ayotzinapa teacher-training college as an emblematic case of the wave of human rights violations in Mexico. In April 2016, he commended the invaluable work accomplished by the Interdisciplinary Group of Independent Experts in Mexico on the same case. The Group, which was appointed by the Inter-American Commission on Human Rights and invited by the Government of Mexico to follow up on the investigation of the case, published an extensive report. The High Commissioner expressed concern about the many challenges and obstacles reported by the Interdisciplinary Group that might have prevented a full and transparent inquiry, including regarding the roles and responsibilities of the military and other official authorities in the case. The High Commissioner encouraged the Government to engage with the follow-up

[2] OHCHR, "Torture and illegal detention on the rise in Burundi — Zeid", 18 April 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19835&LangID=E.

[3] OHCHR, "Press briefing note on Bahrain and Iraq", 21 June 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20146&LangID=E.

[4] Office of the United Nations High Commissioner for Human Rights (OHCHR), "Press briefing note on Mozambique and Nigeria", 29 April 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19905&LangID=E.

[5] OHCHR, "South Sudan: United Nations report contains 'searing' account of killings, rapes and destructions", 11 March 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17207&LangID=E.

[6] OHCHR, "Ukraine: growing despair among over three million civilians in conflict zone — United Nations report", 3 March 2015, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17131&LangID=E.

[7] OHCHR, "Statement of the United Nations Commissioner for Human Rights, Zeid Ra'ad Al Hussein, on his visit to Mexico, 7 October 2015", available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16578&LangID=E.

mechanism that the Inter-American Commission on Human Rights had announced that it would establish.[8]

34. In January 2016, the High Commissioner urged Thailand[9] to make decisive and sustained efforts to investigate the whereabouts of at least 82 people listed as disappeared, criminalize enforced disappearance in its legislation in line with international standards and immediately ratify the Convention. In June 2016, he welcomed the decision by Thailand to enact the Prevention and Suppression of Torture and Enforced Disappearance Act and to ratify the Convention.[10]

35. In January 2016, the High Commissioner welcomed the news that 11 former military officers in Guatemala[11] were to be prosecuted on charges of enforced disappearance and crimes against humanity committed in the 1980s during the civil war. He noted that the decision, taken by a judge, represented an important step forward in establishing truth and ensuring justice in Guatemala for crimes committed during the 36-year-long conflict. For the first time in investigations into past abuses, a complete chain of command involved in enforced disappearances and crimes against humanity was identified, from the alleged perpetrators to the instigators of crimes.

36. OHCHR participated in the 4th meeting of the Intergovernmental Expert Group on the revision of the Standard Minimum Rules for the Treatment of Prisoners. At the meeting, OHCHR, inter alia, provided guidance on human rights in relation to the investigation of deaths, disappearances or serious injury while in prison and the scope of the use of solitary confinement. The General Assembly adopted the revised Standard Minimum Rules by its resolution 70/175 of 17 December 2015.

37. OHCHR Colombia provided advice to civil society on how to access the procedures of the Convention. It specifically advised on how to submit five cases of urgent actions, which were ultimately registered by the Committee. The Office organized academic meetings aimed at raising awareness about the content and purpose of the Convention as well as its protection mechanisms and how to access them. OHCHR Colombia supported civil society actors in the submission of alternative reports relevant to the list of issues on Colombia and in their participation in the review of the State's report by the Committee.

38. OHCHR Honduras provided technical assistance to the Government in respect of the drafting of the State party report to the Committee on Enforced Disappearances to ensure its compliance with the reporting guidelines. The report was submitted in February 2016.

39. In Mexico, in July 2015, with the active promotion of OHCHR, a constitutional amendment entered into force enabling the Federal Congress to enact

[8] OHCHR, "Press briefing note on Mexico and Mauritania", 26 April 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19879&LangID=E.

[9] OHCHR, "Zeid urges Thailand to fully investigate enforced disappearances", 6 January 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16924&LangID=E.

[10] Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, opening statement at the thirty-second session of the Human Rights Council.

[11] OHCHR, "Press briefing notes on Iraq and Guatemala", 19 January 2016, available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16968&LangID=E.

a general law on disappearances. International human rights mechanisms have recommended to Mexico that it adopt a general law on this matter. Once the amendment to the Federal Constitution entered into force, OHCHR began working with the Federal Executive and the Congress so that the initiatives regarding the general legislation on disappearances would be in accordance with the highest relevant international standards. OHCHR submitted observations on the draft bills shared by the Federal Executive and provided continuous technical cooperation to non-governmental organizations and victims' associations on their proposals in respect of the content of the general legislation. The debates regarding the legislation are taking place in the Federal Congress with the active participation of OHCHR Mexico.

40. OHCHR Mexico worked with officials, legislators, non-governmental organizations and victims in the state of Nuevo Leon, which resulted in the adoption of a piece of legislation for the regulation of the special declaration of absence owing to disappearance, which allows the families of the victims to address their legal situation.

41. Mexico adopted a standardized protocol that unified the methodologies for the investigation and prosecution of disappearances throughout the territory. OHCHR Mexico participated actively in the formulation process, providing advice and technical cooperation based on international human rights standards, good practices and its experience working with victims.

42. OHCHR worked with non-governmental organizations and family members of disappeared persons to raise awareness on the international mechanisms available to them, in particular those afforded by the Committee, such as the urgent action procedure. Of the 208 urgent actions relating to Mexico registered during the reporting period, most were from the states of Guerrero and Veracruz. Many include protection measures for family members, who face heightened risks as they carry out searches for their family members and are active in the investigations. OHCHR works together with authorities to ensure that the urgent actions are an effective tool for the search of disappeared persons.

43. A publication entitled *Enforced disappearance in Mexico, a United Nations system perspective* was issued by OHCHR, together with Mexico's National Human Rights Commission and the International Bar Association. This booklet includes all recommendations issued by United Nations bodies to Mexico on disappearances. Dissemination efforts include providing periodic information on the Convention to the press, the public at large and other counterparts, with particular emphasis on the celebration of International Day of the Victims of Enforced Disappearances.

44. In Yemen, OHCHR conducted a thorough review of the draft law on enforced disappearance and submitted its comments to the Government prior to its adoption at the end of 2015. Ratification by Parliament is pending.

45. In Tunisia, OHCHR provided guidance and technical advice to the drafting committees during the preparation process for the report submitted by the State party to the Committee on Enforced Disappearances and reviewed by the latter in March 2016.

46. In Ecuador, the Human Rights Adviser facilitated the participation of civil society organizations in the drafting process for the State party report for the Committee.

47. In Paraguay, the Human Rights Adviser provided assistance to a national network of human rights organizations called the Coordinator for Human Rights in Paraguay in the submission of an alternative report to the Committee.

48. In Niger, owing in part to the work of the Human Rights Adviser within the United Nations country team, the State ratified the Convention on 24 July 2015.

49. In Sri Lanka, the Human Rights Advisor advocated for the ratification of the Convention by Sri Lanka, which took place on 26 May 2016.

50. The OHCHR Regional Office for South America has encouraged civil society organizations to submit alternative reports to the Committee.

51. The OHCHR Regional Office for West Africa assisted the three ministries in Burkina Faso that are in charge of State reporting in the process of harmonizing their procedures. The Office also provided technical support in the preparation of all reports drafted in 2014, including the report to the Committee on Enforced Disappearances, which was considered in March 2016.

52. In Libya, OHCHR conducted an investigation mandated by Human Rights Council resolution 28/30 and reported, inter alia, on cases of enforced disappearance (see A/HRC/31/47, paragraph 30).

53. The United Nations Voluntary Fund for Victims of Torture continued awarding grants to a number of non-governmental entities providing assistance to families of victims of enforced disappearance and/or documenting cases of enforced disappearance in line with the relevant provisions of the Convention. For example, in Mexico, the Fund supports two projects aimed at providing legal aid to the families of victims of enforced disappearance. In Argentina, another project continues to be supported by the Fund with the aim of delivering psychological, social and legal services, including DNA tests, to the families of victims of enforced disappearance.

V. Activities of the Committee on Enforced Disappearances

54. During the reporting period, the Committee on Enforced Disappearances took several steps to promote the ratification and implementation of the Convention and maintained its dialogue with the Working Group on Enforced or Involuntary Disappearances and other relevant mechanisms and stakeholders. A detailed compilation of the activities of the Committee can be found in its annual report to the General Assembly at its seventy-first session (A/71/56).

55. Since the previous report on the Convention (A/70/261), the Committee has registered 220 urgent actions; interim and protection measures were requested in 42 of those cases. Since its establishment, the Committee has registered a total of 304 urgent actions, of which 4 have been closed (an urgent action is closed when the disappeared person has been located, dead or alive, and released) and 3 have been suspended (an urgent action is suspended when the disappeared person has been located but is still detained). An urgent action is kept open when the disappeared person has been located but the persons for whom interim measures were granted are still under threat.

56. In all his public statements, the Chair of the Committee, Emmanuel Decaux, promotes the ratification of the Convention and stresses that ratification should be

followed by its transposition into the domestic legal order and its implementation. He also invites States parties that have not done so to accept the competence of the Committee under articles 31 and 32 of the Convention.

57. On the occasion of International Day of the Victims of Enforced Disappearances, commemorated on 30 August 2015, the Committee and the Working Group on Enforced or Involuntary Disappearances issued a press release recalling that time was of the essence in the search for disappeared persons and called for protocols for immediate search. They encouraged all those whose beloved ones had disappeared to make use of the tools provided through the urgent actions procedures of the Committee and of the Working Group. In the first months of 2015, thanks to the activation of the urgent action procedures, 13 disappeared persons were found alive, in detention, and, sadly, 2 were found dead.

58. On 15 September 2015, the Committee and the Working Group on Enforced or Involuntary Disappearances held their 5th joint meeting. The members of the two bodies highlighted the need to continue working collectively to achieve universal adherence to the Convention and recognition of the competence of the Committee under articles 31 and 32. The expert bodies also exchanged information on past activities, including on country visits and the review of State parties, and agreed on continuous cooperation to coordinate their agendas, including on thematic priorities.

59. The Committee met with Member States at a public meeting on 17 September 2015. It invited States parties to the Convention that had not yet submitted their reports and States that had neither signed nor ratified the Convention to do so and encouraged all States to accept the Committee's competence under articles 31 and 32. In addition, the Chair updated States on the work of the Committee.

60. On 17 September, the Committee held a public meeting with a representative from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and the National Human Rights Council of Morocco. The representative from the International Coordinating Committee underlined the importance of the close cooperation between the Committee and national human rights institutions. Referring to the document on the relationship of the Committee on Enforced Disappearances and national human rights institutions' (CED/C/6) adopted in 2014, the International Coordinating Committee identified the main areas of work that it had conducted to facilitate the broad ratification and implementation of the Convention.

61. The Committee also met, on 17 September, with representatives of non-governmental organizations and victims' associations to discuss general matters relating to the promotion and implementation of the Convention. The Committee welcomed the support of non-governmental organizations in encouraging States to ratify the Convention and underlined the importance of close cooperation in raising awareness.

62. On 11 March 2016, the Committee on Enforced Disappearances, Argentina, France, Japan and Morocco, in collaboration with OHCHR, held an event called "Contemporary challenges" to commemorate the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance. More information on the event is available from www.ohchr.org/EN/HRBodies/CED/Pages/10thAnniversary.aspx.

63. At its tenth session, held from 7 to 18 March 2016, the Committee decided on the merits of the first individual communication (Comm. No. 1/2013, *Yrusta v. Argentina*) received under article 31 of the Convention. It concerned Roberto Yrusta, a prisoner in Argentina, whose family had been denied any information about his whereabouts for a period of some seven days, during which he had been moved from a prison in Cordoba to one in Santa Fe province. The Committee found that Mr. Yrusta had indeed been subjected to enforced disappearance given that he could not communicate with his family or consult a lawyer and that the authorities had concealed or refused to acknowledge whether he had been transferred notwithstanding repeated requests from his relatives. In the decision, the Committee reaffirmed that there was no temporal element for an enforced disappearance and that a secret detention could take place in an official prison when the authorities did not provide information about the detainees. The text of the decision is available from http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2f10%2fD%2f1%2f2013&Lang=en. On 21 March 2016, the Committee issued a press release on the case, available from http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=18494&LangID=E.

64. During the reporting period, the Committee, through its secretariat, continued to send reminders to States parties whose reports were overdue to encourage prompt submission, bringing to their attention the guidelines on the form and content of reports under article 29 (1) to be submitted by States parties to the Convention (CED/C/2).

VI. Activities of the Working Group on Enforced or Involuntary Disappearances

65. The Working Group met with the Committee on Enforced Disappearances during its 107th session, in September 2015. At the meeting, the members of the two bodies working on the issue of enforced disappearance highlighted the need to continue to make their coordination of activities more effective. They also exchanged information on past and forthcoming activities, including on country visits, thematic issues and the review of State parties, and agreed on continuous cooperation to coordinate their agendas.

66. In September 2015, in its report to the Human Rights Council, the Working Group reiterated its calls upon States that had not signed and/or ratified the Convention to do so as soon as possible and to accept the competence of the Committee on Enforced Disappearances to receive individual cases under article 31 and inter-State complaints under article 32 of the Convention (see A/HRC/30/38, para. 106). The Working Group takes every opportunity to promote the ratification of the Convention, including during visits to States and bilateral meetings held with their representatives.

VII. Activities of United Nations agencies and organizations and intergovernmental and non-governmental organizations

67. A number of intergovernmental and non-governmental organizations have undertaken efforts at the national, regional and global levels to disseminate information on the Convention, promote understanding of it, prepare for its entry into force and assist States parties in implementing their obligations under the instrument.

68. Regarding civil society, Amnesty International provided briefings to the Committee on its reviews of Iraq and Montenegro and submitted follow-up information in relation to the concluding observations on Mexico.

69. The Asian Federation Against Involuntary Disappearances is a federation of 14 organizations working directly on the issue of enforced disappearance in 10 South Asian and South-East Asian countries. Representatives of the Federation actively lobbied at the national, regional and international levels for the ratification of the Convention in Asia and the recognition of the competence of the Committee under articles 31 and 32 of the Convention. They participated in conferences, seminars and public events to promote the understanding of the Convention. The Federation released statements on the occasion of the fifth anniversary of the entry into force of the Convention, International Day of the Victims of Enforced Disappearances in 2015 and International Week of the Disappeared in May 2016 and disseminated them through social media. The Federation regularly provides substantive information on cases of enforced disappearance to the Committee and the Working Group on Enforced or Involuntary Disappearances.

70. The International Coalition against Enforced Disappearances, which comprises 56 non-governmental organizations, has been globally promoting its mandate to lobby actively for universal ratification and implementation of the Convention, recognition of the competence of the Committee under articles 31 and 32 of the Convention and the enactment of domestic laws that criminalize enforced disappearance. Representatives of the Coalition organized and participated in public events, seminars and conferences promoting the Convention to a wide range of audiences, from Governments to civil society and other stakeholders. The Coalition launched a primer on the Convention for Governments and one for non-governmental organizations, which were translated into French and Spanish. Netherlands Helsinki Committee, a member of the Coalition, and Justice and Peace Netherlands published a practical guide for relatives of disappeared persons and non-governmental organizations on how to access the Committee on Enforced Disappearances. The Coalition released statements on the occasion of the fifth anniversary of the entry into force of the Convention, International Day of the Victims of Enforced Disappearances in 2015 and International Week of the Disappeared in May 2016.

71. Redress Trust (REDRESS) represents numerous victims of enforced disappearance in litigation against a range of countries in various forums, including at the Human Rights Committee and the African Commission on Human and Peoples' Rights. REDRESS consistently refers to the Convention in litigation, in submissions regarding implementation and in alternative reports submitted to monitoring mechanisms. Representatives of REDRESS also participated in conferences and seminars addressing enforced disappearances during the reporting

period, highlighting in particular the right of victims to redress under the Convention.

72. In November 2015, TRIAL International took part in the second cycle of the universal periodic review of Nepal and recommended the criminalization of enforced disappearance as a separate crime in the domestic legislation, the ratification of the Convention and the recognition of the competence of the Committee under articles 31 and 32 of the Convention. Throughout 2015 and 2016, the organization has been submitting follow-up reports on the status of implementation of the recommendations contained in the views of the Human Rights Committee on four cases of enforced disappearance in Nepal that TRIAL International had previously lodged. In 2015, the Human Rights Committee issued views on cases of enforced disappearance in Bosnia and Herzegovina submitted by TRIAL International.

73. On 30 August 2015, TRIAL International supported the commemoration of International Day of the Victims of Enforced Disappearances held in Kathmandu by the National Network of Families of the Disappeared and Missing in Nepal. TRIAL International, the Foundation for Justice and the Democratic Rule of Law and a coalition of associations of relatives of disappeared persons from Central America supported the work of the Committee on Enforced Disappearances by submitting an alternative report in relation to the follow-up review of Mexico. They also submitted to the Working Group on Enforced or Involuntary Disappearances a report on the obstacles faced by the relatives of disappeared migrants in the struggle for justice, truth and reparation. TRIAL International supported relatives of disappeared persons in Nepal in the submission of their cases to the local Commission of Investigation on Enforced Disappeared Persons, making reference to the Convention as the legal standard of reference. It continued to promote the ratification of the Convention and the recognition of the competence of the Committee, specifically in Burundi and Nepal. It is also litigating cases of enforced disappearance concerning various countries before the Human Rights Committee, referring to the Convention as the highest standard in the field.

74. Representatives of TRIAL International also gave expert testimonies to the Inter-American Court of Human Rights in cases of enforced disappearance, published articles to promote the understanding of the Convention and participated in a series of conferences and seminars on the subject during the reporting period.

VIII. Conclusion

75. The Secretary-General strongly encourages all States that have not yet become parties to the International Convention for the Protection of All Persons from Enforced Disappearance to take the necessary measures to do so and to accept the competence of the Committee on Enforced Disappearances under articles 31 and 32 of the Convention. The Secretary-General and the United Nations High Commissioner for Human Rights will continue their intensive efforts to assist States in becoming parties to the Convention and in ensuring its full implementation.

Annex

States that have signed, ratified or acceded to the Convention for the Protection of All Persons from Enforced Disappearance as at 18 July 2016

Participant	*Signature*	*Accession or ratification*
Albania[a]	6 February 2007	8 November 2007
Algeri[a]	6 February 2007	
Angola	24 September 2014	
Argentina[a]	6 February 2007	14 December 2007
Armenia	10 April 2007	24 January 2011
Austria[a]	6 February 2007	7 June 2012
Azerbaijan	6 February 2007	
Belgium[a]	6 February 2007	2 June 2011
Belize		14 August 2015[b]
Benin	19 March 2010	
Bolivia (Plurinational State of)	6 February 2007	17 December 2008
Bosnia and Herzegovina[a]	6 February 2007	30 March 2012
Brazil	6 February 2007	29 November 2010
Bulgaria	24 September 2008	
Burkina Faso	6 February 2007	3 December 2009
Burundi	6 February 2007	
Cabo Verde	6 February 2007	
Cambodia		27 June 2013[b]
Cameroon	6 February 2007	
Chad	6 February 2007	
Chile[a]	6 February 2007	8 December 2009
Colombia	27 September 2007	11 July 2012
Comoros	6 February 2007	
Congo	6 February 2007	
Costa Rica	6 February 2007	16 February 2012

Participant	*Signature*	*Accession or ratification*
Croatia	6 February 2007	
Cuba[a]	6 February 2007	2 February 2009
Cyprus	6 February 2007	
Denmark	25 September 2007	
Ecuador[a]	24 May 2007	20 October 2009
Finland	6 February 2007	
France[a]	6 February 2007	23 September 2008
Gabon	25 September 2007	19 January 2011
Germany[a]	26 September 2007	24 September 2009
Ghana	6 February 2007	
Greece	1 October 2008	9 July 2015
Grenada	6 February 2007	
Guatemala	6 February 2007	
Guinea-Bissau	24 September 2013	
Haiti	6 February 2007	
Honduras	6 February 2007	1 April 2008
Iceland	1 October 2008	
India	6 February 2007	
Indonesia	27 September 2010	
Iraq		23 November 2010[b]
Ireland	29 March 2007	
Italy	3 July 2007	8 October 2015
Japan[a]	6 February 2007	23 July 2009
Kazakhstan		27 February 2009[b]
Kenya	6 February 2007	
Lao People's Democratic Republic	29 September 2008	
Lebanon	6 February 2007	
Lesotho	22 September 2010	6 December 2013
Liechtenstein	1 October 2007	

Participant	*Signature*	*Accession or ratification*
Lithuania[a]	6 February 2007	14 August 2013
Luxembourg	6 February 2007	
Madagascar	6 February 2007	
Maldives	6 February 2007	
Mali[a]	6 February 2007	1 July 2009
Malta	6 February 2007	27 March 2015
Mauritania	27 September 2011	3 October 2012
Mexico	6 February 2007	18 March 2008
Monaco	6 February 2007	
Mongolia	6 February 2007	12 February 2015
Montenegro[a]	6 February 2007	20 September 2011
Morocco	6 February 2007	14 May 2013
Mozambique	24 December 2008	
Netherlands[a]	29 April 2008	23 March 2011
Niger	6 February 2007	24 July 2015
Nigeria		27 July 2009[b]
Norway	21 December 2007	
Palau	20 September 2011	
Panama	25 September 2007	24 June 2011
Paraguay	6 February 2007	3 August 2010
Peru		26 September 2012
Poland	25 June 2013	
Portugal[a]	6 February 2007	27 January 2014
Republic of Moldova	6 February 2007	
Romania	3 December 2008	
Samoa	6 February 2007	27 November 2012
Senegal	6 February 2007	11 December 2008
Serbia[a]	6 February 2007	18 May 2011
Sierra Leone	6 February 2007	

Participant	*Signature*	*Accession or ratification*
Slovakia	26 September 2007	15 December 2014
Slovenia	26 September 2007	
Spain[a]	27 September 2007	24 September 2009
Sri Lanka[a]	10 December 2015	25 May 2016
Saint Vincent and the Grenadines	29 March 2010	
Swaziland	25 September 2007	
Sweden	6 February 2007	
Switzerland	19 January 2011	
Thailand	9 January 2012	
The former Yugoslav Republic of Macedonia	6 February 2007	
Togo	27 October 2010	21 July 2014
Tunisia	6 February 2007	29 June 2011
Uganda	6 February 2007	
Ukraine[a]		12 August 2015[b]
United Republic of Tanzania	29 September 2008	
Uruguay[a]	6 February 2007	4 March 2009
Vanuatu	6 February 2007	
Venezuela (Bolivarian Republic of)[a]	21 October 2008	
Zambia	27 September 2010	4 April 2011

[a] States that have made declarations recognizing the competence of the Committee under articles 31 and/or 32 of the Convention. The full text of the declarations and reservations made by States parties is available from http://treaties.un.org.

[b] Accession.